

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

TEAM INDUSTRIAL SERVICES, INC.

AI # 30912

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.

* Settlement Tracking No.
* SA-RE-19-0003
*
* Enforcement Tracking No.
* RE-CN-15-00993
* RE-CN-15-00993A
*
*
* Docket No. 2018-4320-EQ
*

SETTLEMENT

The following Settlement is hereby agreed to between TEAM Industrial Services, Inc. (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a corporation that owns and/or operates a facility located in Gonzales, Ascension Parish, Louisiana (“the Facility”).

II

On February 23, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. RE-CN-15-00993 (Exhibit 1).

On August 18, 2017, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. RE-CN-15-00993A (Exhibit 2).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of SEVEN THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$7,900.00), of which One Thousand Fifty-One and 61/100 Dollars (\$1,051.61) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Order & Notice of Potential Penalty, Amended Consolidated Compliance Order & Notice of Potential Penalty, and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may

be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VIII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

IX

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Ascension Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XI

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed

or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XII

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XIII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

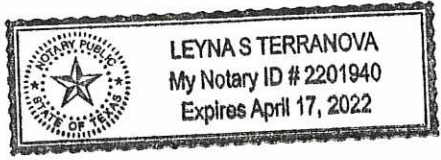
TEAM INDUSTRIAL SERVICES, INC.

BY: [Signature]
(Signature)

Lee P. Johnson
(Printed)

TITLE: Vice President + General Counsel - Operations

THUS DONE AND SIGNED in duplicate original before me this 24th day of April, 20 19, at Sugarland, TX, Ft. Bend County.



Leyna S. Terranova
NOTARY PUBLIC (ID # 2201940)

Leyna S. Terranova
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 2nd day of Aug, 20 19, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 23, 2017

CERTIFIED MAIL (7005 1820 0002 2361 9703)
RETURN RECEIPT REQUESTED

TEAM INDUSTRIAL SERVICES, INC.
c/o Corporation Service Company
Agent for Service of Process
501 Louisiana Avenue
Baton Rouge, LA 70802

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. RE-CN-15-00993
AGENCY INTEREST NO. 30912**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **TEAM INDUSTRIAL SERVICES, INC. (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Kelly O'Neal at (225) 219-3932.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/KAO/kao
Alt ID No. LA-9098-L01
Attachment



**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF	*	
	*	
TEAM INDUSTRIAL SERVICES, INC. ASCENSION PARISH ALT ID NO. LA-9098-L01	*	ENFORCEMENT TRACKING NO.
	*	
	*	RE-CN-15-00993
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.	*	AGENCY INTEREST NO.
	*	
	*	30912

**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **TEAM INDUSTRIAL SERVICES, INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates Team Industrial Services, Inc. (the Site) located at 37568 Highway 30 in Gonzales, Ascension Parish, Louisiana. The Respondent operates under Radioactive Material (RAM) License LA-9098-101.

II.

On or about September 9, 2014, the Department conducted an inspection of the Respondent's facility to determine the degree of compliance with the Radiation Protection Regulations and the Act. While the Department's investigation is not yet complete, the following violations were noted at the time of the inspection:

- A. The Respondent failed to apply for registration of each radiation machine with the Office of Environmental Compliance prior to the operation of the radiation machines,

and pay the application fee, in violation of LAC 33:XV.204.A.1. Specifically, two (2) analytical x-ray units, an Innovx XRF, serial number 540335, and an Innovx XRF, serial number 540380, were unregistered at the time of the inspection. On or about September 25, 2014, the Respondent submitted completed DRC-6 registration forms to the Department and paid the associated fees. This violation has been addressed.

- B. The Respondent failed to ensure that a two-person crew consisting of at least two (2) qualified radiographers or an approved instructor directly supervising a qualified radiographer trainee was provided at the temporary job site, in violation of LAC 33:XV.573.D. Specifically, a radiation area survey report dated April 1, 2014, reviewed during the inspection revealed radiographer Derrick Vidrine (Agency Interest # 120911), and radiography trainee (Agency Interest # 181573) David Todd, were members of a radiography crew during a temporary job conducted at CRT/Williams. Derrick Vidrine was not listed on RAM License LA-9098-L01 as a radiography instructor. On or about September 24, 2014, the Respondent requested an amendment to RAM License LA-9098-L01 to add Derrick Vidrine as a radiography instructor. This violation has been addressed.

III.

On or about June 25, 2015, an inspection was conducted in response to a self-reported incident involving the loss of an industrial radiography exposure device and source during transport by the Respondent to a temporary jobsite located at the Valero Refining Company plant in Norco, Louisiana. The inspection revealed the following violations:

- A. The Respondent failed to secure licensed or registered radioactive material from unauthorized removal or access, in violation of LAC 33:XV.445.A. Specifically, radiographer Steven Taylor (Agency Interest # 190841) failed to secure an Amersham Model 880D exposure device, serial number D4586, that contained a 48.2 Ci sealed source of Ir-92 prior to transport of the exposure device from the Respondent's facility to the Valero Refining Company facility in Norco, LA. The device was left on the back of the extended back bumper of the transport vehicle for approximately thirteen (13) miles along Highway US 61 and was not secured. During the transport, the exposure device fell from the back bumper and was missing and out of the Respondent's control for approximately fourteen (14) hours until it was recovered.

After recovering the device, it was examined and found to be locked and have extensive superficial damage to the plastic casing. Following the incident, the device was leak tested and determined not to be leaking source material or depleted Uranium (DU).

- B. The Respondent failed to immediately notify to the Office of Environmental Compliance by telephone after the exposure device was determined to be missing, in violation of LAC 33:XV.485.A. Specifically, radiographer Steven Taylor realized he failed to secure the exposure device at approximately 6:10 AM on June 25, 2015, and spent approximately one (1) hour attempting to find the device. The Site Radiation Safety Officer (RSO) notified the Corporate RSO of the missing exposure device at 7:40 AM. The Corporate RSO called the license writer at the Department at approximately 9:15 AM, instead of utilizing the appropriate phone number.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Radiation Protection Regulations.

II.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure all licensed or registered radioactive material is secure from unauthorized removal or access, in accordance with LAC 33:XV.445.A.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure the Office of Environmental Compliance is notified immediately upon discovery of a stolen, lost, or missing licensed or registered radioactive material, in accordance with LAC 33:XV.485.A.1.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order

Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Kelly O'Neal
Re: Enforcement Tracking No. RE-CN-15-00993
Agency Interest No. 30912

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. RE-CN-15-00993
Agency Interest No. 30912

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Kelly O'Neal at (225) 219-3932 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.


III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 23rd day of February, 2017.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Kelly O'Neal

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
August 18, 2017

CERTIFIED MAIL (7016 2140 0000 3607 5141)
RETURN RECEIPT REQUESTED

TEAM INDUSTRIAL SERVICES, INC.
c/o Corporation Service Company
Agent for Service of Process
501 Louisiana Avenue
Baton Rouge, LA 70802

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. RE-CN-15-00993A
AGENCY INTEREST NO. 30912**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **TEAM INDUSTRIAL SERVICES, INC. (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Kelly O'Neal at (225) 219-3932.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena L. Cage".

Celena L. Cage
Administrator
Enforcement Division

CJC/KAO/kao
Alt ID No. LA-9098-L01
Attachment



**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF	*	
	*	
TEAM INDUSTRIAL SERVICES, INC.	*	ENFORCEMENT TRACKING NO.
ASCENSION PARISH	*	
ALT ID NO. LA-9098-L01	*	RE-CN-15-00993A
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	30912
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	

**AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY**

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. RE-CN-15-00993A** issued to **TEAM INDUSTRIAL SERVICES, INC. (RESPONDENT)** on February 23, 2017 in the above-captioned matter as follows:

I.

The Department hereby rescinds Paragraph III.B of the Findings of Fact in its entirety.


II.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. RE-CN-15-00993** and **AGENCY INTEREST NO. 30912** as if reiterated herein.

III.

This AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.

Baton Rouge, Louisiana, this 18th day of August, 2017.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Kelly O'Neal